



Docket No.: 31583-212399  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
**Konrad WISSENBACH et al.**

Art Unit: 3742

Application No: 10/519146

Examiner: Samuel M. Heinrich

Confirmation No: 1368

Filed: August 31, 2005

Atty. Docket No: 31583-212399

For:  
METHOD FOR SMOOTHING AND POLISHING  
SURFACES BY TREATING THEM WITH  
ENERGETIC RADIATION

Customer No:

**26694**  
PATENT TRADEMARK OFFICE

**PETITION UNDER 37 C.F.R. 1.184(A)(2)**

MS Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicant submits this petition under 37 C.F.R. 1.84(a)(2) for the  
acceptance and replacement of Figures 8 and 9 in color.

For Figure 8, a color photograph is necessary to depict the surface of an article which has undergone the first treatment step and the second treatment step of the claimed method. The difference between the original surface and the first treatment step surface is extremely fine. In addition, difference between the first treatment step surface and the second treatment step surface is also extremely fine and hard to see. The use of color allows one to appreciate the difference between the original surface and the steps. A black and white photograph simply does not succinctly depict such differences. The color photograph allows for a better presentation of the article's surface in the different stages of the claimed method.

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For Figure 9, a color drawing is necessary to depict the peaks and valleys of the graphical representation of the surface. Figure 9a shows an eroded, unpolished surface with corresponding structures of significance and micro-roughness. The varying degrees of erosion are unable to be fully appreciated in black and white drawings. Figure 9b shows the same eroded surface after smoothing according to the present method. The difference between the before figure of 9a and the after picture of 9b is best depicted with color drawings. It is extremely difficult to distinguish the difference between 9a and 9b with the black and white depictions. The color drawing allows for a better presentation of the data.

It is respectfully submitted that no new matter is presented by the color renditions of Figures 8 and 9. Rather, the color rendition merely enhances the respective depiction of the graphical data of Figures 8 and 9 in a way that cannot be appreciated by the black and white depictions as filed.

In accordance with 37 C.F.R. 1.84(a)(2)(i), Applicant herewith submits the fee set forth in 37 C.F.R. 1.17(h). Any necessary additional fees are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261, referencing our docket no. 31583-212399. In accordance with 37 C.F.R. 1.84(a)(2)(ii), Applicant herewith submits three sets of color drawings of Figure 8 and Figure 9. Figure 8 and Figure 9 are presented together on one replacement sheet.

With this petition, Applicant is concurrently filing a response to the Office Action of April 14, 2008. In the response, Applicant amends the specification to include the following statement as required by 37 C.F.R. 1.84(a)(2)(iii): "The patent or application file contains at least one drawing executed in color. Copies of this patent or patent

application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

Applicant respectfully submits that all the requirements for the submission of color drawings under 37 C.F.R. 1.84 have been fulfilled. Prompt and favorable consideration of this petition is respectfully requested.

Dated: 8/14, 2008

Respectfully submitted,

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